



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.            | CONFIRMATION NO.       |
|--|-------------|----------------------|--------------------------------|------------------------|
| 10/707,190   | 11/25/2003  | Terry M. Olkin       | 60468.300203                   | 1189                   |
| 32112 7590 05/16/2007<br>INTELLECTUAL PROPERTY LAW OFFICES<br>1901 S. BASCOM AVENUE, SUITE 660<br>CAMPBELL, CA 95008 |             |                      | EXAMINER<br>TRUONG, THANHNGA B |                        |
|  |             |                      | ART UNIT<br>2135               | PAPER NUMBER           |
|  |             |                      | MAIL DATE<br>05/16/2007        | DELIVERY MODE<br>PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                       |                                     |  |
|------------------------------|---------------------------------------|-------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/707,190  | <b>Applicant(s)</b><br>OLKIN ET AL. |  |
|                              | <b>Examiner</b><br>Thanhnga B. Truong | <b>Art Unit</b><br>2135             |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

*Thanhnga B. Truong*  
AU 2135

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/8/07</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This action is responsive to the communication filed on February 22, 2007. Claims 1-30 are pending. At this time, claims 1-30 are still rejected.

#### ***Response to Arguments***

2. Applicant's arguments filed on February 22, 2007, with respect to the rejection(s) of claim(s) 1-30 under Linehan et al (US 5,495,533) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Chen et al (US 5,602,918).

#### ***Information Disclosure Statement***

3. The information disclosure statement (IDS) submitted on March 8, 2007 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Linehan et al (US 5,495,533), and further in view of Chen et al (US 5,602,918).

a. *Referring to claim 1:*

i. Linehan teaches a system for determining communications events, comprising:

(1) a key server to release keys to communicating parties, wherein said keys are encryption keys to encrypt or decryption keys to decrypt the communications and said communicating parties include originators seeking to create and recipients seeking to view the communications (**column 4, lines 64-67 through column 5, lines 1-16; column 7, lines 46-52; of Linehan**); and

Art Unit: 2135

(2) for each of the communications, said key server **(column 6, line 20 of Linehan)** also to:

(3) assign an identifier **(column 7, lines 35-36 of Linehan)**;

(4) store a record in a database that includes said identifier, a respective said decryption key, and respective controlling events **(column 7, lines 39-45 and lines 60-64 of Linehan)**;

(5) receive zero, one, or more requests for said decryption key, wherein said requests include said identifier **(column 7, lines 46-64 of Linehan)**; and

(6) determine at least one member (e.g., user computer) of the set consisting of positive events (e.g., forwarding the tickets, identify the user, etc..) and negative events (e.g., keeps the password – therefore no action is taken) based on said controlling events and how many said requests (e.g., tickets) are received or when any said requests are received **(column 3, lines 10-21; more positive events, such as user actions, describes in details in column 8, lines 1-17 of Linehan)**.

ii. Although Linehan teaches a system for determining communications events via network authentication, Linehan is silent on the capability of showing the communication between communication parties. On the other hand, Chen teaches this limitation in **column 2, lines 24-48; column 4, lines 32-67 of Chen**.

iii. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to:

(1) have modified the invention of Linehan with the teaching of Chen for establishing secured communications pathways **(column 1, lines 7-8 of Chen)**.

vi. The ordinary skilled person would have been motivated to:

(1) have modified the invention of Linehan with the teaching of Chen to enable parties on a secured network to communicate via the Internet or the public network by establishing safe passage between the secured

Art Unit: 2135

network and the party on the public network, while maintaining an otherwise impenetrable "firewall" between the public network and the secured network (**column 2, lines 15-20 of Chen**).

b. Referring to claim 2:

i. Linehan further teaches:

(1) wherein said encryption key and said decryption key are the same (**column 1, lines 52-53 of Linehan**).

c. Referring to claim 3:

i. Linehan further teaches:

(1) wherein said encryption key and said decryption key are different (**column 1, lines 53-54 of Linehan**).

d. Referring to claim 4:

i. Linehan further teaches:

(1) wherein said key server is able to generate said keys (**column 7, lines 49-50 of Linehan**).

e. Referring to claim 5:

i. Linehan further teaches:

(1) wherein said key server is able to receive said keys from an outside source (**column 8, lines 37-49 of Linehan**).

f. Referring to claim 6:

i. Linehan further teaches:

(1) wherein said outside source is a said originator (e.g., sender or client) (**column 8, lines 37-41 of Linehan**).

g. Referring to claim 7:

i. Linehan further teaches:

(1) wherein said key server requires an assertion (e.g., the ticket) before releasing said keys (**column 5, lines 11-16 of Linehan**).

h. Referring to claim 8:

i. Linehan further teaches:

(1) wherein at least some of said controlling events are defined based on attributes provided by said originator (**column 5, lines 30-37 of Linehan**).

i. Referring to claim 9:

i. Linehan further teaches:

(1) wherein at least some of said controlling events are pre-stored in said database in anticipation of use in later said communications (**column 7, lines 6-14 of Linehan**).

j. Referring to claim 10:

i. Linehan further teaches:

(1) wherein at least some of said controlling events are determined based on attributes received from a party (e.g., Kerberos) other than a said originator (**column 8, lines 18-20 of Linehan**).

k. Referring to claim 15:

i. Linehan further teaches:

(1) wherein said key server communicates data about at least one of said positive events or said negative events to at least one of said originator and another entity (**column 3, lines 10-21; more positive events, such as user actions, describes in details in column 8, lines 1-17 of Linehan**).

l. Referring to claim 16:

i. Linehan further teaches:

(1) wherein said another entity is a notification server (e.g., authentication server) (**column 4, line 64 of Linehan**).

m. Referring to claims 17-24, 29-30:

i. These method claims are drawn to determining communication events corresponding to the system of using same as claimed in claims 1-10 and 15-16. Therefore a method claims 17-24 and 29-30 correspond to system claims 1-10 and 15-16, and are rejected for the same reasons of anticipation (obviousness) as used above.

n. Referring to claims 11, 25:

Art Unit: 2135

i. Linehan further teaches:

(1) wherein a said controlling event specifies a time after which a said decryption key is made releasable, thereby specifying a delay before a said recipient can decrypt a said communication (**column 12, lines 3-12 of Linehan**).

ii. Although Linehan discloses a specific control key is generated/released every M days, Linehan implies the delay for decrypting such communication by that M days. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made that there is no decryption can take place without receiving or obtaining the generated decryption key.

o. Referring to claims 12-13, 26-27:

i. These claims have limitations that are similar to those of claim 11, thus they are rejected with the same rationale applied against claim 11 above.

p. Referring to claims 14, 28:

i. These claims have limitations that are similar to those of claims 7 and 11, thus they are rejected with the same rationale applied against claims 7 and 11 above.

### **Conclusion**

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanhnga (Tanya) Truong whose telephone number is 571-272-3858.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached at 571-272-3859. The fax and phone numbers for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

Application/Control Number: 10/707,190

Page 7

Art Unit: 2135

Charlene B. Tm  
AU2135

TBT

May 07, 2007